

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MASTER LENDING GROUP, LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	
TRUIST BANK,)	
)	
Defendant/Third-Party)	CIVIL ACTION
Plaintiff,)	FILE NO. 4:21-cv-263
)	
v.)	
)	
HIRSCH & TUCKER, LLC,)	
)	
Third-Party Defendant.)	

ANSWER TO AMENDED COMPLAINT

Defendant/Third-Party Plaintiff Truist Bank (“Truist”) hereby files its Answer to Plaintiff Master Lending Group, LLC’s (“Plaintiff” or “Master Lending”) First Amended, Recaptioned, and Recasted Complaint (the “Amended Complaint”) (Doc. 31), and respectfully shows the Court as follows:

FIRST DEFENSE

Plaintiff’s Amended Complaint fails to state a claim against Truist upon which relief can be granted.

SECOND DEFENSE

Truist denies that Plaintiff is entitled to any judgment, damages, or relief whatsoever.

THIRD DEFENSE

Plaintiff's common law claims are displaced and preempted by Georgia's Uniform Commercial Code.

FOURTH DEFENSE

To the extent Plaintiff has incurred any injuries or damages, such injuries or damages are a result of an intervening or superseding cause of the acts or omissions of third parties over which Truist has no responsibility or control, and for which Truist may not be held liable.

FIFTH DEFENSE

To the extent Plaintiff has incurred any injuries or damages, such injuries or damages are the proximate cause of Plaintiff's failure to regularly review its account statements and follow obligations imposed upon Plaintiff by Georgia's Uniform Commercial Code and/or Plaintiff's contractual relationship with Truist.

SIXTH DEFENSE

No act or omission of Truist constitutes the proximate or legal cause of any injury or damage alleged to be sustained by Plaintiff.

SEVENTH DEFENSE

Truist's compliance with the statutes, rules, and regulations that govern the subject matter of this lawsuit precludes any liability to Plaintiff.

EIGHTH DEFENSE

Plaintiff's claims are barred because Truist acted in good faith and in accordance with reasonable commercial standards.

NINTH DEFENSE

Plaintiff's claim for attorneys' fees and expenses of litigation is barred because Truist has not acted in bad faith, has not been stubbornly litigious, and has not caused Plaintiff unnecessary trouble and expense.

TENTH DEFENSE

Truist presently has insufficient knowledge and information on which to form a belief as to whether it has additional, yet unstated herein, defenses available to it, and reserves the right to assert additional defenses in the event further discovery indicates such defenses would be appropriate.

ELEVENTH DEFENSE

Truist hereby responds to the individually numbered paragraphs of Plaintiff's Amended Complaint as follows:

RESPONDING TO: PARTIES, VENUE, AND JURISDICTION

1.

Truist admits only that Plaintiff is a Georgia limited liability company with its principal office address in Chatham County, Georgia. Truist is without sufficient information or knowledge to form a belief as to the other allegations in paragraph 1 of the Amended Complaint, and so the allegations are denied.

2.

Truist admits that it is a state-chartered bank registered to do business in the State of Georgia. Truist further admits that it was served with a copy of the summons and complaint upon its registered agent. Truist denies the other allegations in paragraph 2 of the Amended Complaint.

RESPONDING TO: FACTS

3.

Admitted.

4.

Truist is without sufficient knowledge or information to admit or deny the allegations in paragraph 4 of the Amended Complaint, and so the allegations are denied.

5.

Truist is without sufficient knowledge or information to admit or deny the allegations in paragraph 5 of the Amended Complaint, and so the allegations are denied.

6.

Denied.

7.

Denied.

8.

Denied.

9.

Denied.

10.

Truist is without sufficient knowledge or information to admit or deny the allegations in paragraph 10 of the Amended Complaint, and so the allegations are denied.

RESPONDING TO: COUNT I

11.

Truist incorporates by reference paragraphs 1 through 10 of its Answer to Plaintiff's Amended Complaint as if fully restated herein.

12.

Denied.

13.

Denied.

14.

Denied.

15.

Denied.

16.

Denied.

RESPONDING TO: COUNT II

17.

Truist incorporates by reference paragraphs 1 through 16 of its Answer to Plaintiff's Amended Complaint as if fully restated herein.

18.

Denied.

Truist denies the unnumbered paragraph following paragraph 18 of Plaintiff's Amended Complaint, beginning with WHEREFORE, and denies that Plaintiff is entitled to any relief from Truist.

WHEREFORE, Truist respectfully requests the following relief:

- (a) that Plaintiff's Amended Complaint and all claims asserted therein be dismissed with prejudice;
- (b) that all costs of this action be taxed against Plaintiff;
- (c) that Truist recover its attorneys' fees and expenses actually and reasonably incurred in the defense of this action; and
- (d) for such other, further, and different relief that this Court deems equitable and proper under the circumstances.

Respectfully submitted, this 14th day of March, 2022.

/s/ Victor L. Hayslip

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of March, 2022, I electronically filed the foregoing answer with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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